

**MINUTES OF THE ORGANIZATIONAL MEETING OF THE
CITY COUNCIL OF THE CITY OF MOUNTAIN BROOK, ALABAMA
NOVEMBER 7, 2016**

The City Council of the City of Mountain Brook, Alabama, met in special public session to conduct its organizational meeting as required by the laws of the State of Alabama in the City Hall Council Chambers (Room A108) of the City of Mountain Brook on Monday, the 7th day of November 2016, at 7:30 a.m.

The meeting was called to order by the City Manager and the roll was called with the following results:

Present: Philip E. Black
William S. ("Billy") Pritchard III
Virginia C. Smith
Alice B. Womack
Stewart H. Welch III

Absent: Lloyd C. Shelton

Also present were City Attorney Whit Colvin, City Manager Sam Gaston, and City Clerk Steven Boone.

1. INTRODUCTION OF JUDGE TURNER WILLIAMS

The City Manager introduced Mountain Brook Municipal Court Judge Turner Williams who will administer the oaths of office.

2. INAUGURATION OF THE MAYOR AND TWO CITY COUNCIL MEMBERS

Judge Williams administered the oath of office (Appendices 1 through 3) to Mayor Welch and Council members Smith and Black who then assumed their duties as elected officials of the City of Mountain Brook.

3. ELECTION OF THE CITY COUNCIL PRESIDENT

Mr. Gaston then invited a nomination from the City Council for Council President. Council member Womack nominated Council member Virginia C. Smith for Council President. Council member Pritchard seconded the nomination. A vote was conducted with the following results:

Ayes: Philip E. Black
William S. ("Billy") Pritchard III
Virginia C. Smith
Alice B. Womack

Nays: None

The meeting was then turned over to Council President Smith who declared that the motion carried by a vote of 4-0.

4. ELECTION OF CITY COUNCIL PRESIDENT PRO TEMPORE

Council President Smith then called for a nomination regarding the appointment of the Council President Pro Tempore. Council President Smith nominated Council member William S. ("Billy") Pritchard, III for Council President Pro Tempore of the Council. The nomination was seconded by Council member Black. Council President Smith then called for a vote with the following results:

Ayes: Virginia C. Smith, Council President
Philip E. Black
William S. ("Billy") Pritchard III
Alice B. Womack

Nays: None

Council President Smith declared that Council member William S. ("Billy") Pritchard III has been appointed to be Council President Pro Tempore by a vote of 4—0.

5. CONSENT AGENDA

Council President Smith announced that the following matters will be considered at one time on the consent agenda provided no one in attendance objects:

- | | | |
|----------------------------|--|------------------|
| 2016-176
Motion | Adopt the rules of order and procedure to be followed by the governing body | Exhibit 1 |
| 2016-177 | Appoint the City Attorney(s) (Bishop, Colvin, Johnson & Kent and Starnes, Davis & Florie, LLP) | Exhibit 2 |
| 2016-178
Motion | Appoint Council representatives as follows:
Planning Commission (voting member) - Philip E. Black
Board of Zoning Adjustment (liaison) - Virginia C. Smith
Parks and Recreation Board (liaison) - Virginia C. Smith
Emmet O'Neal Library Board (liaison) - Lloyd C. Shelton
Board of Education (liaison) - William S. Pritchard III
Finance Committee (voting member) - Lloyd C. Shelton
Villages Design Review Committee (liaison) - Alice B. Womack
Editorial Board - Virginia C. Smith
Tree Commission (liaison) - Virginia C. Smith
Chamber of Commerce (liaison) - Alice B. Womack
Parking Committee - Philip E. Black
Municipal judges - Stewart H. Welch III
Public safety departments - Stewart H. Welch III
All In Committee (voting member) - William S. Pritchard III | |
| 2016-179
Motion | Appoint the members of the Mountain Brook City Council as the Board of Commissioners of the Mountain Brook Emergency Communication District and nomination of the President of the City Council as Chairman of the Emergency Communication District Board | |
| 2016-180 | Authorize the execution of signature authorizations adding the Mayor as a signatory on the City's various banking accounts. | Exhibit 3 |
| 2016-181
Motion | [Pursuant to Sec. 101-27(2) of the City Code] Council appointment of Council member Philip Black to the Planning Commission to fill the unexpired term of Jack D. Carl, to serve without compensation through October 2, 2018 (as measured from Mr. Carl's original appointment date of October 2, 2006) | |

Thereupon, the foregoing motions and resolutions were introduced by Council President Smith and a motion for their immediate adoption was made by Council President Pro Tempore Pritchard. The motion and resolutions were then considered by the City Council. Council member Womack seconded the motion to adopt the foregoing motions and resolutions. Then, upon the question being put and the roll called, the vote was recorded as follows:

Ayes: Virginia C. Smith, Council President
William S. ("Billy") Pritchard III, Pro Tempore
Philip E. Black
Alice B. Womack

Nays: None

Council President Smith thereupon declared that said motions (No. 2016-176, 178, 179 and 181) and resolution (Nos. 2016-177 and 2016-180) are adopted by a vote of 4—0 and as evidence thereof she signed the same.

**6. CONSIDERATION: ORDINANCE (NO. 1965) APPOINTING THE CITY MANAGER
(EXHIBIT 4)**

Council President Smith introduced the ordinance in writing. It was then moved by Council President Pro Tempore Prichard that all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of said ordinance be suspended and that unanimous consent to the immediate consideration of said ordinance be given and that the reading of the ordinance at length be waived. The motion was seconded by Council President Smith and was unanimously carried, as follows:

Ayes: Virginia C. Smith, Council President
William S. ("Billy") Pritchard III, Pro Tempore
Philip E. Black
Alice B. Womack

Nays: None

The President of the Council declared the motion carried.

After said ordinance had been considered in full by the Council, Council President Pro Tempore Prichard then moved for the adoption of said ordinance. The motion was seconded by Council member Black. Thereupon, Council President Smith called for vote with the following results:

Ayes: Virginia C. Smith, Council President
William S. ("Billy") Pritchard III, Pro Tempore
Philip E. Black
Alice B. Womack

Nays: None

The President of the Council declared that the ordinance (No. 1965) is hereby adopted by a vote of 4—0 and, as evidence thereof, she signed the same.

**7. CONSIDERATION: ORDINANCE (NO. 1966) APPOINTING THE CITY CLERK
(EXHIBIT 5)**

Council President Smith introduced the ordinance in writing. It was then moved by Council member Womack that all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of said ordinance be suspended and that unanimous consent to the immediate consideration of said ordinance be given and that the reading of the ordinance at length be waived. The motion was seconded by Council member Black and was unanimously carried, as follows:

Ayes: Virginia C. Smith, Council President
William S. ("Billy") Pritchard III, Pro Tempore
Philip E. Black
Alice B. Womack

Nays: None

The President of the Council declared the motion carried by a vote of 4—0.

After said ordinance had been considered in full by the Council, Council President Pro Tempore Prichard then moved for the adoption of said ordinance. The motion was seconded by Council President Smith. Thereupon, Council President Smith called for vote with the following results:

Ayes: Virginia C. Smith, Council President
William S. ("Billy") Pritchard III, Pro Tempore
Philip E. Black
Alice B. Womack

Nays: None

The President of the Council declared that the ordinance (No. 1966) is hereby adopted by a vote of 4—0 and, as evidence thereof, she signed the same.

8. CONSIDERATION: ORDINANCE (NO. 1967) APPOINTING THE CITY TREASURER (EXHIBIT 6)

Council President Smith introduced the ordinance in writing. It was then moved by Council President Pro Tempore Prichard that all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of said ordinance be suspended and that unanimous consent to the immediate consideration of said ordinance be given and that the reading of the ordinance at length be waived. The motion was seconded by Council President Smith and was unanimously carried, as follows:

Ayes: Virginia C. Smith, Council President
William S. ("Billy") Pritchard III, Pro Tempore
Philip E. Black
Alice B. Womack

Nays: None

The President of the Council declared the motion carried by a vote of 4—0.

After said ordinance had been considered in full by the Council, Council member Womack then moved for the adoption of said ordinance. The motion was seconded by Council President Pro Tempore Prichard. Thereupon, Council President Smith called for vote with the following results:

Ayes: Virginia C. Smith, Council President
William S. ("Billy") Pritchard III, Pro Tempore
Philip E. Black
Alice B. Womack

Nays: None

The President of the Council declared that the ordinance (No. 1967) is hereby adopted by a vote of 4—0 and, as evidence thereof, she signed the same.

9. CONSIDERATION: ORDINANCE (NO. 1968) APPOINTING THE ASSISTANT CITY TREASURER (EXHIBIT 7)

Council President Smith introduced the ordinance in writing. It was then moved by Council member Black that all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of said ordinance be suspended and that unanimous consent to the immediate consideration of said

ordinance be given and that the reading of the ordinance at length be waived. The motion was seconded by Council member Womack and was unanimously carried, as follows:

Ayes: Virginia C. Smith, Council President
William S. ("Billy") Pritchard, III, Pro Tempore
Philip E. Black
Alice B. Womack

Nays: None

The President of the Council declared the motion carried by a vote of 4—0.

After said ordinance had been considered in full by the Council, Council member Black then moved for the adoption of said ordinance. The motion was seconded by Council member Womack. Thereupon, Council President Smith called for vote with the following results:

Ayes: Virginia C. Smith, Council President
William S. ("Billy") Pritchard, III, Pro Tempore
Philip E. Black
Alice B. Womack

Nays: None

The President of the Council declared that the ordinance (No. 1968) is hereby adopted by a vote of 4—0 and, as evidence thereof, she signed the same.

10. INAUGURATION OF THE AFOREMENTIONED OFFICERS

Judge Williams then administered the oaths of office (Appendices 7 through 7) to Sam Gaston, Steven Boone, William F. Angell and John H. ("Jack") Martin respectively, who then assumed their respective duties as officers of the City of Mountain Brook.

11. ANNOUNCEMENT

Mayor Welch announced that he has appointed Mike Mouron to the Planning Commission to fill the seat vacated by [newly elected Council member] Philip E. Black, to serve without compensation a six (6) year term expiring November 7, 2022 (2016-181a).

12. DECLARATION OF WATER SERVICE EMERGENCY (2016-182)

Council President Smith announced that on November 4, 2016 Mayor Oden upgraded his declaration of a water service emergency pursuant to the decision by the Birmingham Water Works Board to implement its Stage 4 "Extreme Drought Emergency" provisions of its Drought Management Plan. For more information, please refer to the City's website (www.mtnbrook.org).

13. ANNOUNCEMENT: THE NEXT MEETING OF THE CITY COUNCIL

Council President Smith announced that the next meeting of the Mountain Brook City Council will be held on Monday, November 14, 2014 at 7:00 p.m. in the Council Chamber of City Hall located at 56 Church Street, Mountain Brook, AL 35213. Please visit the City's web site (www.mtnbrook.org) for more information.

14. ADJOURNMENT

There being no further business to come before the City Council at this time, Council President Smith adjourned the meeting.

15. CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, certify the above is a true and correct transcript of the regular meeting of the City Council of the City of Mountain Brook, Alabama held at City Hall, Council Chamber (Room A108) on November 7, 2016, and that the meeting was duly called and held in all respects in accordance with the laws of the State of Alabama and bylaws of the City and that a quorum was present.

Steven Boone, City Clerk

EXHIBIT 1

MOTION NO. 2016-176**DIVISION 2. - RULES OF ORDER AND PROCEDURE****Sec. 2-56. - Meetings.**

(a) *Rules of procedure.* Meetings of the city council shall be conducted in accordance with the applicable statutes of the state, as implemented by the rules of procedure contained in this article.

(b) *Time and place of regular meetings; special meetings.* Meetings of the council shall be held at the city hall or such other places within the city limits as the council may determine.

(1) Regular meetings shall be at such times as determined by the council.

(2) Written or oral notice of the time of any special meeting of the council as authorized by Code of Ala. 1975, § 11-43-5 shall, unless such meeting is announced at a regular meeting of council, be given to the city manager and to each councilmember at least 12 hours in advance of the meeting. The failure of any of them to receive such notice shall not invalidate an action taken at such meetings if:

a. Such person is present at the meeting or, either before or after the meeting, waives notice thereof; or

b. Such action is ratified at a subsequent meeting of the council.

The business that may be transacted at a special meeting shall not be limited to the item indicated in the notice. To the extent practicable, notice of a special meeting shall also be given to the mayor and the clerk, but the failure of either or both of them to receive such notice shall not impair the validity and efficacy of the business transacted at the meeting.

(c) *Attendance and participation of mayor, city manager and other city officials; addressing council.*

(1) The mayor and the city manager shall have the privilege of participating in the council's discussions and deliberations, but the right to make motions and to vote is limited to councilmembers.

(2) Persons other than the councilmembers, mayor and city manager shall be allowed to address the council while in session only with the permission of and under the conditions and limitations prescribed by the council president. Any such person shall, when first recognized, state his name, address and, if applicable, the person or group represented; he shall identify himself again by name each subsequent time he is recognized.

(3) Meetings shall be attended by the city clerk, the city attorney and such other officers, agents or employees of the city as the council may from time to time determine.

(d) *Order of business.* The order of business shall be as directed by the council president; however, any councilmember may make additions to the agenda.

(Code 1996, §§ 2-8—2-11; Ord. No. 570, §§ 1—4; Ord. No. 890, § 1, 11-13-1984; Ord. No. 1564, 2-24-2003)

State Law reference— Provisions relative to meetings, Code of Ala. 1975, §§ 11-43-49, 11-43-50; city council authorized to enact rules of procedure, Code of Ala. 1975, § 11-43-52; attendance of the city clerk, Code of Ala. 1975, § 11-43-100.

EXHIBIT 2

RESOLUTION NO. 2016-177

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, as follows:

The law firm of Bishop, Colvin, and Johnson & Kent is hereby appointed as City Attorney for the City of Mountain Brook, Alabama, to serve at the pleasure of the City Council at a retainer fee of \$15,000 per month. Said fees are to compensate the City Attorney for the regular and customary legal services performed for said City, such as attendance at City Council meetings, advice to the Mayor, Council, and employees, and preparation of ordinances and resolutions; said salary not to operate as compensation for extraordinary or unusual services, such as handling municipal bond issues, public improvements, litigation, and the like for which said attorney shall be paid such additional compensation as may be fixed by the Council.

BE IT FURTHER RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the law firm of Starnes, Davis & Florie, and LLP is hereby appointed as City Attorney for the City with respect to litigation services to be billed at their standard hourly rates, to serve at the pleasure of the City Council.

EXHIBIT 3

RESOLUTION NO. 2016-180

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the City Clerk is hereby authorized to execute and deliver, or cause to be executed and delivered, on behalf of the City such documents, certificates, instruments, and agreements that may be deemed necessary or appropriate to add the Mayor of the City as an authorized signatory on each of the City's checking accounts.

EXHIBIT 4

ORDINANCE NO. 1965

**ORDINANCE APPOINTING THE
CITY MANAGER OF THE CITY OF MOUNTAIN BROOK**

BE IT ORDAINED by the City Council of the City of Mountain Brook, Alabama, as follows:

1. Sam Gaston is hereby appointed and employed as City Manager of the City of Mountain Brook, Alabama, to serve at the pleasure of the Council or until his successor be duly appointed.

2. His duties shall be as now or hereafter fixed by the laws of the State of Alabama and by the ordinances of the City of Mountain Brook, Alabama, and such other duties as may be delegated to him from time to time by the Council.

3. He shall give bond with sureties in the penal sum of \$20,000.00, the premiums for which shall be paid by, and be the expense of the City, the same to be conditioned as provided in Section 11-43-21(c), Code of Alabama, 1975.

EXHIBIT 5**ORDINANCE NO. 1966****ORDINANCE APPOINTING THE
CITY CLERK OF THE CITY OF MOUNTAIN BROOK**

BE IT ORDAINED by the City Council of the City of Mountain Brook, Alabama, as follows:

1. Steven Boone is hereby appointed as City Clerk of the City of Mountain Brook, Alabama, to serve at the pleasure of the Council or until his successor be duly appointed.
2. His duties as such City Clerk shall be as now or hereafter fixed by the laws of the State of Alabama and by the ordinances of the City of Mountain Brook, Alabama, and such other duties as may be delegated to him from time to time by the Council.
3. His duties as City Clerk shall be in addition to those incident to the position in the classified civil service in which he is or may hereafter be employed; and his compensation, both for such civil service position and as City Clerk, shall be that established for the civil service position under the schedules of the Personnel Board of Jefferson County as implemented by the City Council from time to time for classified employees of the City.
4. He shall give bond with sureties in the penal sum of \$20,000.00, the premiums for which shall be paid by, and be the expense of, the City. The bond shall be subject to approval by the Mayor.

EXHIBIT 6**ORDINANCE NO. 1967****ORDINANCE APPOINTING THE
CITY TREASURER OF THE CITY OF MOUNTAIN BROOK**

BE IT ORDAINED by the City Council of the City of Mountain Brook, Alabama, as follows:

1. William F. Angell is hereby appointed as City Treasurer of the City of Mountain Brook, to serve without compensation and at the pleasure of the Council or until his successor be duly appointed.
 2. He shall give bond with sureties in the penal sum of \$5,000.00, the premium for which shall be paid by, and be the expense of the City. The bond shall be subject to approval by the Mayor.
-

EXHIBIT 7

ORDINANCE NO. 1968

**ORDINANCE APPOINTING THE
ASSISTANT CITY TREASURER OF THE CITY OF MOUNTAIN BROOK**

BE IT ORDAINED by the City Council of the City of Mountain Brook, Alabama, as follows:

1. John H. ("Jack") Martin is hereby appointed as Assistant City Treasurer of the City of Mountain Brook, Alabama, serves without compensation and at the pleasure of the Council or until his successor be duly appointed.

2. The Assistant Treasurer shall furnish a surety company bond in an amount approved by the City Council for the faithful performance of his duties in the safe custody of the funds of the City. Such bond shall be signed by good and sufficient sureties to be approved by the Mayor. The premium for such bond shall be paid by the City from its General Fund.

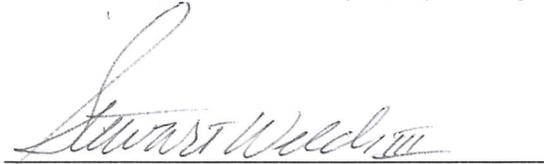
OATH OF OFFICE

STATE OF ALABAMA

JEFFERSON COUNTY

CITY OF MOUNTAIN BROOK

I, Stewart H. Welch III, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.



Stewart H. Welch III

APPENDIX I

Sworn to and subscribed before me this 7th day of November, 2016.



Turner Williams, Judge
Municipal Court of Mountain Brook

OATH OF OFFICE

STATE OF ALABAMA

JEFFERSON COUNTY

CITY OF MOUNTAIN BROOK

I, Virginia C. Smith, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.



Virginia C. Smith

APPENDIX 2

Sworn to and subscribed before me this 7th day of November, 2016.



Turner Williams, Judge
Municipal Court of Mountain Brook

OATH OF OFFICE

STATE OF ALABAMA

JEFFERSON COUNTY

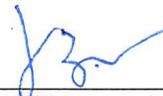
CITY OF MOUNTAIN BROOK

I, Philip E. Black, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.


Philip E. Black

APPENDIX 3

Sworn to and subscribed before me this 7th day of November, 2016.


Turner Williams, Judge
Municipal Court of Mountain Brook

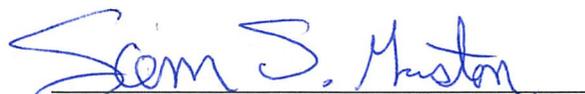
OATH OF OFFICE

STATE OF ALABAMA

JEFFERSON COUNTY

CITY OF MOUNTAIN BROOK

I, Sam S. Gaston, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.



Sam S. Gaston

APPENDIX 4

Sworn to and subscribed before me this 7th day of November, 2016.



Turner Williams, Judge
Municipal Court of Mountain Brook

OATH OF OFFICE

STATE OF ALABAMA

JEFFERSON COUNTY

CITY OF MOUNTAIN BROOK

I, Steven Boone, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.

Steven Boone

APPENDIX 5

Sworn to and subscribed before me this 7th day of November, 2016.

Turner Williams, Judge
Municipal Court of Mountain Brook

OATH OF OFFICE

STATE OF ALABAMA

JEFFERSON COUNTY

CITY OF MOUNTAIN BROOK

I, William F. Angell, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.



William F. Angell

APPENDIX 6

Sworn to and subscribed before me this 7th day of November, 2016.



Turner Williams, Judge
Municipal Court of Mountain Brook

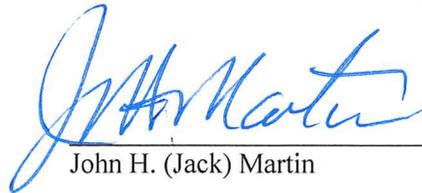
OATH OF OFFICE

STATE OF ALABAMA

JEFFERSON COUNTY

CITY OF MOUNTAIN BROOK

I, John H. (Jack) Martin, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.


John H. (Jack) Martin

APPENDIX 7

Sworn to and subscribed before me this 7th day of November, 2016.


Turner Williams, Judge
Municipal Court of Mountain Brook

2016-182

DECLARATION OF WATER SERVICE EMERGENCY

WHEREAS, on November 4, 2016, the Birmingham Water Works Board implemented its Stage 4 "Extreme Drought Emergency" of its Drought Management Plan due to a continued lack of rainfall, increased water usage and low lake levels; and

WHEREAS, the City has adopted, by reference, the Drought Management Plan of the Birmingham Water Works Board; and

WHEREAS, watering guidelines under the Stage 4 Drought Warning issued by the Birmingham Water Works Board are no longer voluntary but mandatory; and

WHEREAS, the Water Works Board asks that counties and cities implement and enforce Drought Management Ordinances;

AS MAYOR OF THE CITY OF MOUNTAIN BROOK, ALABAMA, I HEREBY DECLARE THAT A WATER SERVICE EMERGENCY EXISTS and that the provisions of Ordinance No. 979 (Sec. 9-10.1 of the City Code) shall be enforced by law enforcement officials of the City of Mountain Brook effective immediately upon publication as provided by law. Said enforcement shall continue until such time that the Birmingham Water Works Board declares that the Stage 3 Drought Warning is no longer warranted.

Declared this 4th day of November, 2016, by:
Lawrence T. Oden, Mayor

Synopsis of Restrictions and Penalties for Violations (City Code Sec. 54-1)

Certain water uses prohibited and restrictions

- 1. Residential outdoor hand watering with a nozzle limited to once weekly
2. No watering between 8 a.m. and 8 p.m.
3. No watering Tuesdays, Wednesdays, Thursdays, Saturdays and Sundays
4. Washing mobile equipment at home
5. Cleaning outdoor surfaces
6. Cleaning buildings
7. Cleaning equipment and machinery
8. Ornamental fountains
9. Swimming and wading pools not employing a filter and recirculating system
10. Escape through defective plumbing

Penalties

Upon conviction, persons who violate the City's ordinance shall be subject to a fine not to exceed \$500.00 or imprisonment not to exceed 180 days or by both such fine and imprisonment. Each day on which a violation occurs or continues shall be deemed to be a separate offense. The full text of the ordinance may be viewed on the City's website (www.mtnbrook.org).

CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of a declaration issued by the Mayor of the City of Mountain Brook on November 4, 2016, and published by posting copies thereof on November 7, 2016, at the following public places.

City Hall, 56 Church Street
Overton Park, 3020 Overton Road

Gilchrist Pharmacy, 2805 Cahaba Road
Cahaba River Walk, 3503 Overton Road

Steven Boone
City Clerk

APPENDIX 8



BIRMINGHAM WATER WORKS

Directors/Officers

Ronald A. Mims
Chairman/President

Kevin B. McKie, Esq.
First Vice-Chairman/
First Vice President

George Murchison, Ph.D.
Secretary-Treasurer

Sherry W. Lewis
Assistant Secretary-Treasurer

William R. Muhammad
Director

Mac Underwood
General Manager

Assistant General Managers

Darryl R. Jones, P. E.
Operations and Technical Services

T. M. Jones, P. E.
Engineering and Maintenance

Michael Johnson, C. P. A.
Finance and Administration

November 3, 2016

The Honorable Terry Oden
City of Mountain Brook
56 Church Street
Mountain Brook, AL 35213

RE: Birmingham Water Works to Announce Stage Four - Extreme Drought Emergency

Dear Mayor Oden,

Starting tomorrow, November 4th 2016, drought management actions of the Birmingham Water Works will move to the next higher level of response, Stage Four - "Extreme Drought Emergency". The extended dry weather, record high temperatures, and no measurable rain in the next 10 day forecast places the storage supply of the utility's Lake Purdy reservoir in a precarious position for the remainder of the year. Customers have reduced their demand for water since the announcement of the Stage Three "Drought Warning" phase of the Drought Management Plan on October 19th. The goal of this Extreme Drought Emergency is to further reduce system wide water use by 5 percent from the rate of use observed in Stage Three. Attached is a press release to be sent out to the media tomorrow that goes into more detail about Stage Four protocol.

Part of the Stage Four "Extreme Drought Emergency" phase requires the BWW to reach out to the local municipalities that it serves and ask those cities to activate their drought ordinances. The combined cooperation of your city along with others in the water system should help us meet customers' needs and reduce the potential of unnecessary hardships during the continued lack of rainfall. Each city's drought ordinance is designed to assist in reducing the use of water during severe dry weather conditions like the one we're experiencing now. Stage Four also includes mandatory restrictions and the enforcement of surcharges for customers that continue to use excessive amounts of water. This surcharge, along with your city's enforcement of your drought ordinances, has proven in the past to be a very effective way to deter excessive water users.

Sincerely,

Darryl R. Jones

Darryl R. Jones, P.E.
Assistant General Manager - Operations and Technical Services

Enclosure



PRESS RELEASE

For Immediate Release

For more information contact:
Anitra Hendrix
Birmingham Water Works
Phone: (205) 244-4220
Email: anitra.hendrix@bwwb.org

PRESS RELEASE

STAGE FOUR - "EXTREME DROUGHT EMERGENCY"

Birmingham Water Works Moves to the Next Level in its Drought Response

(BIRMINGHAM, Ala. - November 3, 2016) On November 4, 2016, drought management actions of the Birmingham Water Works (BWW) will move to the next higher level of response, Stage Four - "Extreme Drought Emergency". The extended dry weather, record high temperatures, and no measurable rain in the next 10 day forecast places the storage supply of the utility's Lake Purdy reservoir in a precarious position for the remainder of the year. Customers have reduced their demand for water from 115 million gallons per day (MGD) to 105 MGD since the October 19th introduction into the Stage Three "Drought Warning" phase of the Drought Management Plan (DMP). "This was a very significant reduction and shows that the customers of the Birmingham Water Works are supportive of the message to reduce their water usage," said Darryl R. Jones, Assistant General Manager of Operations and Technical Services for the BWW. "We also believe that we should continue to emphasize to our customers the severity of this weather crisis and engage them to help manage the demands for water until adequate rain returns to this area." The goal of this Extreme Drought Emergency is to further reduce system wide water use by 5 percent from the rate of use observed in Stage Three.

Elements of the Stage Four - "Extreme Drought Emergency" phase of the BWW's drought management plan continues to ask customers to practice conservation measures as recommended in stages one, two, and three of the DMP. Under Stage Four guidelines, just like in Stage Three, the first 12 hundred cubic feet (ccf) or 8,977 gallons of water used by residential customers will not be subjected to any surcharges. All water consumption billed above 12 ccf will be charged the normal rate for all water used; however, they will be billed an additional surcharge of 400% per ccf on top of the normal rate for all water used above 12 ccf.

The surcharge is a separate charge and is in addition to the normal charges for water. The average residential customer uses less than 10 ccf (7,500 gallons) of water per month.

The BWB announced their Stage Three "Drought Warning" on October 19th with the 200% surcharges projected to start thirty days later on November 19th. Since the BWB has escalated the drought response to a higher level within the DMP prior to November 19th, the Stage Three surcharges will be suspended and not billed starting on November 19th; however, the new higher surcharges of 400% will begin thirty days after the announcement of Stage Four "Extreme Drought Emergency" on November 4th. Therefore, meter readings conducted on December 4th and later will be subjected to Stage Four surcharges for those residential customers that exceed 12 ccf and for non-residential (commercial) customers that exceed 110% of their average monthly usage. Surcharges will remain in place until the utility moves back into the Stage Two phase of the DMP.

Please refer to the chart below for our current rates, as well as drought surcharge rates.

Customer Class	Current Rate	Stage 3 Surcharge (200%)	Stage 4 Surcharge (400%)
Residential			
1-3 ccf	\$2.27	\$0.00	\$0.00
4-15 ccf	\$2.69	\$5.38	\$10.76
>15 ccf	\$4.01	\$8.02	\$16.04
Non-Residential	\$3.51	\$7.02	\$14.04
Raw Water	\$0.894	\$1.788	\$3.576

In other words, such a customer's bill would amount to:

CCFs 3 x \$2.27 (normal rate for this usage amount)
 +
 CCFs 12 x \$2.69 (normal rate for this usage amount) = \$39.09
 +
 3CCF x \$10.76 (Stage Four 400% surcharge) = \$32.28
 +
 5/8" Inch Meter Base Charge (\$24.25)

\$95.62 TOTAL

For example, a residential customer using 15 CCF per month (11,220 gallons per month) will be billed at the normal rate for those 15 CCF, but will also be billed a surcharge of 400% for the 3 additional CCFs they went over 12CCF.

Non-residential (commercial) and raw water customers will be charged the normal rate for all water used and will incur surcharges of 400 percent for any water used above 110% of their monthly annual average billing.

Nonresidential customers with normal use of 20 CCF (18,000 gallons per month) will be allowed to use 22CCF (19,800 gallons per month) with no surcharge.

For example, if the customer above uses 30 CCF (27,000 gallons per month), then they will be charged the normal rate for those 30CCF, as well being charged at 400% for the 8 CCF they went above 22CCF.

In other words, such a customer's bill would amount to:

30CCF x \$3.51 (normal rate) = \$105.3
 +
 8CCF x \$14.04 (400% surcharge) = \$112.32
 +
 Inch Meter Base Charge (\$48.40)

\$266.02 TOTAL

The entire DMP can be reviewed on the web-site at <https://www.bwwb.org/drought>; however, key components of the plan are listed here for quick reference:

- The Birmingham Water Works will increase the surcharges for excessive water use to 400% of the normal charges.
- Municipalities will be requested to adopt and implement their Drought Management Ordinance, Extreme Emergency Stage and enforce the watering rules within their communities.
- Under the BWB Stage Four "Extreme Drought Emergency" guidelines, customers are asked to only hand water established lawns and landscapes using a hose with a nozzle one day per week. Addresses ending in an even number shall water on Mondays, while addresses ending in an odd number shall water on Fridays.
- No watering shall be conducted between 8 a.m. and 8 p.m. on the allowable watering day.
- No outside watering shall be conducted on Tuesdays, Wednesdays, Thursdays, Saturdays, and Sundays.
- New lawns and landscaping are exempt from the day of the week watering restrictions for the first 20 days after installation. After the 20th day, hand watering should be in accordance with the even and odd schedule and watering criteria with a hose.

- The washing of personal vehicles shall be suspended unless conducted at a commercial car wash.
- Fire Hydrants. Unless exempted, the use of fire hydrants for any purpose except for firefighting or flushing sewers for health protection purposes shall be suspended.
- Golf courses that are supplied water by BWB are asked to restrict watering to tees and greens only on Mondays, Wednesdays, and Fridays between the hours of 1 a.m. and 5 a.m. This does not apply to golf courses with private water sources.
- Exemptions made for select commercial outdoor water users. (See Stage Four "Extreme Drought Emergency" Exemptions in DMP)
- Athletic fields may be watered Wednesdays and Saturdays between 4 a.m. and 9 a.m. or when determined that said fields are hazardous to the health and safety of children and athletes, by being too hard by virtue of a lack of water.

Founded in 1951, the Birmingham Water Works serves over 600,000 people in Jefferson, Shelby, Blount, St. Clair and Walker Counties. For more information about your Birmingham Water Works, please call us at (205) 244-4000 or visit our Web site at www.bwwb.org.